

SENATE BILL 125
By Ketron

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 102, Part 3, relative to fire protection
personnel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 102, Part 3, is amended by
adding a new section thereto, as follows:

Section 68-102-308.

(a) As a condition of employment of any paid or volunteer fire protection
personnel, employers may initiate a criminal background check on any applicant for
employment, or on any fire protection personnel currently employed by such employer.

(b) As used in this section, unless the context otherwise requires:

(1) "Employment" means paid employment by a public or private fire
department, as well as membership in a volunteer fire department;

(2) "Employer" means public, private or volunteer fire agency, as well as
fire prevention and investigation bureaus of a local jurisdiction; and

(3) "Fire protection personnel" means any paid or volunteer member or
applicant of a fire department or fire prevention bureau or division, such as
firefighters, fire department officers, fire inspectors, fire investigators, and
administrative assistance personnel.

(c) Fire protection personnel shall:

(1) Provide past work history and personal references to be checked by
the employer;

(2) Agree to the release of such information and investigative records to the employer, or to any agency that contracts with the state, as may be necessary for the purpose of verifying whether the individual has been convicted of a felony or any theft or arson related conviction;

(3) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation, the Federal Bureau of Investigation, other law enforcement agency, or any legally authorized entity; and

(4) Agree to the release of any information required for a criminal background investigation by a professional background screening organization or criminal background check service or registry.

(d) Any cost incurred by the Tennessee bureau of investigation, Federal Bureau of Investigation, professional background screening organization, law enforcement agency or other legally authorized entity, in conducting such investigations of such fire protection personnel shall be paid by employer. An employer may require the applicant or employee to reimburse the employer for such costs, at the option of the employer. Payments of such costs to the Tennessee bureau of investigation are to be made in accordance with the provisions of §§ 38-6-103 and 38-6-109.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.